

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

CHRISTINE ANN BENDER,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

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: CASE NO. 5:11-CV-01546
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:
: OPINION & ORDER
: [Resolving Docs. [1](#), [27](#).]
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JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On July 27, 2011, Plaintiff Christine Bender filed a complaint seeking judicial review of the Defendant Commissioner of Social Security's decision to deny her benefits. [[Doc. 1](#).] The matter was referred to Magistrate Judge Kenneth McHargh under Local Rule 72.2. On August 17, 2012, Magistrate Judge McHargh issued a Report and Recommendation that recommended this Court affirm the Commissioner's decision. [[Doc. 27](#).]

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). Parties must file any objections to a Report and Recommendation within fourteen days of service. *Id.*; [Fed. R. Civ. P. 72\(b\)\(2\)](#). Failure to object within this time waives a party's right to appeal the district court's judgment. [Thomas v. Arn](#), 474 U.S. 140, 145 (1985); [United States v. Walters](#), 638 F.2d 947, 949-50 (6th Cir. 1981). Absent objection, a district court may adopt the magistrate judge's report without review. [See Thomas](#), 474 U.S. at 149.

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In this case, neither party has objected to the Report and Recommendation. Moreover, having conducted its own review of the record and the parties' briefs, the Court agrees with the recommendation of Magistrate Judge McHargh that the Court affirm the Commissioner's decision.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge McHargh's Report and Recommendation and incorporates it fully herein by reference, and **DISMISSES** Plaintiff Bender's complaint.

IT IS SO ORDERED.

Dated: September 7, 2012

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE